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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/000,366	01/28/1998	MASAHITO HOASHI	HOASHI=2	5189

1444 7590 04/27/2007
BROWDY AND NEIMARK, P.L.L.C.
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EXAMINER

BECKER, DREW E

ART UNIT	PAPER NUMBER
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1761

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/000,366

Applicant(s)

HOASHI ET AL.

Examiner

Drew E. Becker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/1/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,10-14,17,18,20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,10-14,17,18,20 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 3-8, 10-14, 17-18, and 20-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 1 recites the limitation "the ground fish meat mass" on line 7. There is insufficient antecedent basis for this limitation in the claim. It is not clear whether thawing is performed before, or after, cutting and milling.
4. Claim 3 recites "said frozen ground fish meat mass is first crushed and then uniformly milled". It is not clear whether the crushing has replaced or preceded the cutting step in parent claim 1.
5. Claim 4 recites "said frozen ground fish meat mass is milled". It is not clear whether the cutting step has been deleted, replaced, or preceded.
6. Claim 4 recites "milled into pieces". It is not clear whether "pieces" are the same bodies as the "granules" in parent claim 1.
7. Claim 5 recites "said frozen ground fish meat mass is milled". It is not clear whether the cutting step has been deleted, replaced, or preceded.
8. Claim 5 recites "milled into pieces". It is not clear whether "pieces" are the same bodies as the "granules" in parent claim 1.

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9. Claim 6 recites "wherein milled frozen ground fish meat is thawed". It is not clear whether the cutting into flakes/chips and the milling into granules is still required.

10. Claim 7 recites the limitation "said milled particles". There is insufficient antecedent basis for this limitation in the claim.

11. Claim 7 recites "thawing said milled particles without shearing the ground fish meat mass". It is not clear whether this refers to the granules, or not.

12. Claim 7 recites "a ground fish meat" and "said ground fish meat" in lines 7-8. It is not clear whether this refers to the earlier mentioned granules, or a new mass.

13. Claim 8 recites "a material" and "which material". It is not clear what this is.

14. Claim 8 recites the limitation "the milled fish meat". There is insufficient antecedent basis for this limitation in the claim.

15. Claim 8, lines 8-9 recite "a ground fish meat" and "said ground fish meat". It is not clear whether this is the same as the granules, or whether this is a new mass.

16. Claim 10 recites "wherein milled frozen ground fish meat is thawed". It is not clear whether cutting into flakes/chips and milling into granules is required, or not.

17. Claim 11 recites "wherein milled frozen ground fish meat is thawed". It is not clear whether cutting into flakes/chips and milling into granules is required, or not.

18. Claim 12 recites "wherein milled frozen ground fish meat is thawed". It is not clear whether cutting into flakes/chips and milling into granules is required, or not.

19. Claim 13 recites the limitation "said particles". There is insufficient antecedent basis for this limitation in the claim.

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20. Claim 14 recites the limitation "said particles". There is insufficient antecedent basis for this limitation in the claim.

21. Claim 20 recites "a frozen ground fish meat mass". It is not clear whether this is a new mass, or not.

Response to Arguments

22. Applicant's arguments with respect to claims 1, 3-8, 10-14, 17-18, and 20-21 have been considered but are moot in view of the new ground(s) of rejection.

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Young [Pat. No. 4,906,486] and Hosokawa [Pat. No. 5,080,922] teach methods of comminuting frozen blocks of meat.

Conclusion

24. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the


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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Drew E. Becker whose telephone number is 571-272-1396. The examiner can normally be reached on Mon.-Fri. 8am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


DREW BECKER
PRIMARY EXAMINER

4-26-07